

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1724 OF 2024
IN
CRIMINAL APPEAL NO.1519 OF 2019

Kailas Narayan Sonawane .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Prasanna A. Bhangale for the Applicant.
Ms.Sharmila S. Kaushik, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 16th JULY, 2024

P.C:-

1. On 20/06/2024, our attention was invited to the order passed by the Apex Court in the case of ***Bhagatram Ravalmal Blani (Balani)***, who had approached the Court, being aggrieved by the judgment and order passed by the Division Bench of this Court on 09/12/2021, rejecting his request for suspension of conviction.

Taking note of the fact that another convict, Chandrakant in SLP(Crl) No.1360 of 2022 alongwith Dattu Koli, the appellant in SLP(Crl) No.2353 of 2022 were granted

the relief, by suspending their conviction dated 13/10/2021, during the pendency of the Appeal before the High Court, the benefit of this order was extended to Bhagatram, observing that when similarly circumstanced persons have been granted the benefit of suspension of conviction, denying the same to the appellant would be unjust.

2. This very logic shall apply to the present Applicant-Kailas Narayan Sonawane, as if the other two convicts have been held eligible for the benefit of suspension of their conviction, on very same reasoning, which the Apex Court adopted as to the similar treatment being meted out to the co-accused, we cannot refuse the benefit, as prayed for.

3. On the last date of hearing i.e. on 20/06/2024, we had asked the learned A.P.P. to seek necessary instructions, but today she informs that she has not received any instructions and we do not intend to postpone the proceedings.

Extending the benefit of the orders passed by the Apex Court in SLP(Crl) No.1360 of 2022, SLP(Crl) No.2353 of 2022 and in Diary Nos.32988 and 44370 of 2023, the interim application is allowed, by suspending the conviction recorded by the learned Special Judge, Dhule in Special Case No.01 of 2014 by judgment dated 31/08/2019, convicting him for the offences punishable under Sections 177, 201, 406, 409, 465, 468, 471 read with 120-B, 109 and 34 of the Indian Penal Code and under Section 13 (2) read with Section 13(1)(c) and 13(1) (d) of the Prevention of Corruption Act, 1988.

4. We must clarify that it is only on the ground of parity and the orders passed by the Apex Court, we are extending the benefit to the present Applicant.

(MANJUSHA DESHPANDE,J.) (BHARATI DANGRE, J.)